

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BURVIN STEVENSON,

Petitioner,

Case No. 2:04-cv-31

v.

Hon. Richard Alan Enslen

FABIAN LAVIGNE,

Respondent.

_____ /

ORDER APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed September 12, 2005, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that Respondent's request to dismiss the petition is **DENIED** for the reason(s) stated in the Report and Recommendation.

IT IS FURTHER ORDERED Petitioner's Motion to Amend the Petition (Dkt. No. 49) is **GRANTED** and the Respondent shall file a proper Answer to the Petition..

Dated in Kalamazoo, MI:
October 12, 2005

/s/Richard Alan Enslen
Richard Alan Enslen
Senior United States District Judge